

REMARKS

By this Amendment, claim 114 is amended and claims 133 and 134 are added.

Accordingly, claims 17-134 are pending. No new matter is added.

Applicants gratefully acknowledge the indication that claims 17-95 and 107-113 are allowed. However, as discussed below, Applicants respectfully submit that all of pending claims 17-132 are allowable.

Reconsideration of the application is respectfully requested.

The Office Action requires a supplemental oath or declaration in view of the submission of new claims 107-132. Applicants will submit the required supplemental declaration once it has been executed.

Claims 96-106 and 114-132 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action asserts that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey that, at the time the application was filed, the inventors had possession of the claimed invention. Applicants respectfully disagree and traverse the rejection.

With respect to claims 96-106, the Office Action asserts that there appears to be no basis in the original disclosure for the method including the steps of (1) determining a first rotate angle, (2) determining a second rotate angle, and (3) determining a third rotate angle. It is respectfully submitted that these claimed steps are not directed to new matter and are fully supported by the specification as originally filed.

For example, the original specification describes the determination of rotational angles of a plurality of pairs of toric optical members on page 42, line 23 to page 43, line 16. A second memory unit of CPU 43 preliminarily stores, *inter alia*, relative rotation amounts of toric optical member 1, 2. The first correction calculating unit inside CPU 43 calculates an

optimum amount of relative rotation for the toric optical member 1, 2. Thus, a first rotate angle is determined for the toric optical member 1, 2, which is then relatively rotated by the determined correction amount.

Figs. 14D to 14F of the original disclosure show that the number of toric optical members is not limited to one pair, but may be two pairs (Figs. 14D and 14E) or three pairs (Fig. 14F). Therefore, it is respectfully submitted that a person of ordinary skill in the art would have recognized that the inventors had possession of the invention recited in claims 96-106 based on the original disclosure.

Further, it is respectfully submitted that this disclosure provides the clear support for the terms and phrases used in the claims as required by 37 C.F.R. §1.75(d)(1). There is no requirement that the specification provide *verbatim* use of the terms used in the claims. The specification clearly describes determining a rotate angle (relative angle of rotation) of an optical element (toric optical member) about the optical axis of the projection optical system, and clearly discloses that the projection optical system may include first, second and third optical elements (toric optical members).

With respect to claims 114-116, the Office Action asserts that there appears to be no basis in the original disclosure for the apparatus of claim 114 or the method of claim 116 regarding changing the focal length of a first optical unit and a second optical unit without moving or rotating the first and second optical units. It is respectfully submitted that these claimed features are not directed to new matter and are fully supported by the specification as originally filed.

For example, the original specification describes the change of focal length of the toric lens itself may be employed, instead of the rotation of the toric optical member or the movement of the toric optical member along the optical axis, as an adjusting method on page 14, lines 5-12. Therefore, it is respectfully submitted that a person of ordinary skill in the art

would have recognized that the inventors had possession of the invention recited in claims 114-116 based on the original disclosure.

With respect to claims 117-132, the Office Action asserts that these claims are directed to new matter. Applicants respectfully disagree.

For example, the original specification, on page 44, lines 8-12, describes combining the adjustment by rotation of the toric optical member with adjustment by controlling the pressure between constituent lenses of the projection optical system. Thus, this claimed method step is clearly disclosed by the specification as filed. It is respectfully submitted that a person of ordinary skill in the art would understand that "a pressure control unit" is used to control pressure and thus would have recognized that the inventors had possession of the invention recited in claims 117-132 based on the original disclosure.

Further, it is respectfully submitted that this disclosure provides the clear support for the terms and phrases used in the claims as required by 37 C.F.R. §1.75(d)(1). There is no requirement that the specification provide *verbatim* use of the terms used in the claims. The specification clearly describes the claimed method step and clearly supports the recitation of "a pressure control unit."

Therefore, it is respectfully submitted that claims 96-106 and 114-132 fully comply with the requirements of 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 17-134 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time
Amendment Transmittal

Date: September 7, 2004

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